

Article - Health - General

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§20–1601.

(a) In this subtitle the following words have the meanings indicated.

(b) “Anatomical gift” means the donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation or transfusion.

(c) “Auxiliary aids and services” includes:

(1) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Supported decision–making services, including:

(i) The use of a support individual to assist in making medical decisions, communicating information to the individual, or ascertaining an individual’s wishes;

(ii) The provision of information to a person designated by the individual consistent with the federal Health Insurance Portability and Accountability Act and other applicable laws and regulations governing the disclosure of health information; and

(iii) If an individual has a court–appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual’s health care and that medical decisions are in accordance with the individual’s own expressed interests; and

(4) Any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental, or intellectual disabilities.

(d) “Covered entity” means:

(1) A licensed health care provider;

- (2) A health care facility as defined in § 19–114 of this article;
- (3) A laboratory;
- (4) A State psychiatric hospital;
- (5) A State residential center as defined in § 7–101 of this article;
- (6) An alternative living unit as defined in § 7–101 of this article;
- (7) A group home as defined in § 7–101 of this article;
- (8) An institutional medical unit in a correctional facility; or
- (9) Any entity responsible for potential recipients of the anatomical gift.

(e) “Disability” has the meaning stated in the federal Americans with Disabilities Act.

(f) “Organ transplant” means the transplantation or transfusion of a part of a human body into the body of another individual for the purpose of treating or curing a medical condition.

(g) “Qualified individual” means an individual who:

- (1) Has a disability; and
- (2) Meets the essential eligibility requirements for the receipt of an anatomical gift, with or without:
 - (i) The support networks available to the individual;
 - (ii) The provision of auxiliary aids and services; or
 - (iii) Reasonable modifications to the policies or practices of a covered entity, including modifications to allow:
 - 1. Communication with individuals responsible for supporting the individual with postsurgical and posttransplantation care, including medication; and

2. The consideration of support networks available to the individual, including family, friends, and home– and community–based services funded through the Maryland Medical Assistance Program, Medicare, or another health plan in which the individual is enrolled, or any program or source of funding available to the individual, in determining whether the individual is able to comply with posttransplantation medical requirements.

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